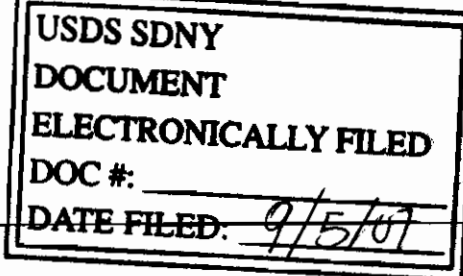


MEMO ENDORSED

FAX

MEMORANDUM 7949

To: Mr. Drew D'Agostino (212) 805-0404
Date: September 4, 2007
From: Ira R. Sitzer
Subject: Segarra -v- Rosenthal
Case No. 07-CV-6098



Dear Mr. D'Agostino,

This office represents the defendant in the above-captioned matter. We have not yet interposed an answer, and our time to do so has not yet expired. Mr. Rosenthal has pending an application to the Court for ECF filing, and we anticipate that issue will be joined within the next week or so.

We have just learned that an "Initial Pretrial Conference" was scheduled for Friday, September 7, 2007. Leaving aside the fact that issue hasn't yet been joined, there is a schedule conflict that precludes our appearance on that date. This is apparently the first time that there has been any calendar appearance.

I have spoken with Kevin Mallon, Esq., of Fishman & Neil, LLP, counsel for plaintiffs herein. Mr. Mallon has graciously consented to an adjournment, and has indicated to me that he is available either on September 18th or the morning of September 20th. He has also indicated that he intends to speak with his clients regarding a possible settlement of the matter.

Accordingly, it is respectfully requested that the "Initial Pretrial Conference" be adjourned from September 7th to either September 18th or the morning of September 20th, or any date thereafter convenient to the Court.

Thank you for your courtesy and cooperation with regards to this matter. If there is any problem or question, please feel free to contact the undersigned.

Very truly yours,

Ira R. Sitzer

cc: by fax to Kevin Mallon, Esq. at (212) 897-5841

This transmission consists of 1 page(s).

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*Conference adjourned
from September 4 to
September 20, 2007 at 9:45 a.m.
SO ORDERED VSD
9-4-07*